

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2-3, 5-8, 11 and 13 have been amended. Claim 13 has been amended by deleting a portion that does not have an antecedent basis and to include limitations regarding the mirror housing. The changes to claims 3 and 11 are for readability, and not tied to any reason of patentability.

Claims 1, 9, 10, and 12 have been canceled without prejudice or disclaimer.

New claims 14 through 21 have been added. No new matter has been added.

This amendment adds, changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2-8, 11, and 13-21 are now pending in this application.

***Allowable subject matter***

Applicant appreciates the allowance of claim 4.

***Claim objections***

Claim 1-3 and 5-11 were objected to for informalities in claim 1. This objection is moot in light of the cancellation of claim 1.

***Rejection under 35 U.S.C. § 112, first paragraph***

Claim 7 stands rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. Applicant has amended claim 7 to indicate that the first positioning unit and the second positioning unit prevent relative movement, consistent with the Examiner's statements on page 3 of the office action. Claim 6 has also been amended consistently.

***Rejections under 35 U.S.C. §§ 102 and 103***

Claims 1-3, 5, 6, 8, 10, and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,610,772 to Iizuka (“Iizuka”). Claims 7, 9, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iizuka. These rejections are moot with respect to claims 1, 9, 10 and 12, which have been canceled. Insofar as these rejections may be applied to the claims as amended, applicant respectfully traverses for at least the following reasons.

Independent claims 13 and 14 are directed to a mirror apparatus for a vehicle. The apparatus includes a second mounting portion of a bracket that protrudes from a second opening of a mirror housing and is mounted to a second mounting portion of a base. Claims 13 and 14 also specifically recite “the second mounting portion of the base and the second mounting portion of the unit bracket are formed in the form of a narrow neck portion between the mirror housing and the base.” Iizuka fails to disclose at least this feature of claims 13 and 14 in the context of those claims.

The Office Action equates the mirror housing 20, mirror base 30, and bracket 22 of Iizuka with the mirror housing, base, and unit bracket, respectively, of claim 13 (and thus presumably of new claim 14). Iizuka discloses that the bracket 22 is formed integrally with a mount 32 which has a drive mechanism 28 mounted thereon, and the mount 32 is adapted for rotation in relation to a shaft holder 33 fixed to the mirror base 30 (col. 2, lines 51-58), and that the mirror housing 20 has an opening 20b corresponding in shape to the mirror base 30.

As previously explained, Iizuka fails to disclose that the portions of the bracket 22 and mirror base 30 that are mounted together form a narrow neck portion between the housing 20 and the base 30. Thus, Iizuka does not disclose the recited feature of claims 1 and 13 where “the second mounting portion of the base and the second mounting portion of the unit bracket are formed in the form of a narrow neck portion between the mirror housing and the base.” In the Iizuka device, any neck portion between the mirror base 30 and housing 20 is formed by the mirror housing itself (See Fig. 1). In this regard, Iizuka specifically discloses the “lateral opening 20b is designed in shape to just fit the shape of the mirror base 30 when the mirror housing is folded toward the mirror base 30.” (col. 3, lines 1-4). Thus, the Iizuka device is designed so that housing 20 just fits to the mirror base 30, and the bracket 22 does not form

any narrow neck portion with the base 30. The “neck” of Iizuka, as clearly understood by the person of ordinary skill in the art, is that part highlighted in the attached figures 1, 3, and 5 of Iizuka. It does not exist between the mirror housing and the base.

Moreover, forming the narrow neck portion using the bracket and base as recited in claims 13 and 14 provides the advantage that components of the mirror apparatus may be formed without the need of a complicated mold (see instant specification, page 14, lines 4-12). By contrast, in Iizuka, the “neck” is formed in the housing 20 itself, and does not provided the advantages of the structures of claims 13 and 14.

Further, with respect to claim 13, as amended, Iizuka does not disclose “the mirror housing is free of a neck portion that protrudes out from general shape of the mirror housing.” Support for this feature in amended claim 13 can be found at least in Figs. 1 and 2, and this structure allows for an easier mold to produce the mirror housing. In Iizuka, as clearly understood by the person of ordinary skill in the art, the mirror housing 20 has a neck that protrudes out from a general shape of the mirror housing 20 as highlighted in the attached figures 1, 3, and 5 of Iizuka, and Iizuka states the importance of this protruding neck in his design. Iizuka, col. 2, line 66 to col. 3, line 4.

Further, with respect to claim 14, as amended, Iizuka does not disclose “the second opening is in a side surface of the mirror housing that is substantially planar.” Support for this feature in claim 14 can be found at least in Figs. 1 and 2, and the claimed structure provides the analogous advantage of an easier mold to produce the mirror housing. In Iizuka, as clearly understood by the person of ordinary skill in the art, the mirror housing 20 has a neck that protrudes out from a general shape of the mirror housing 20, as highlighted in the attached figures 1, 3, and 5 of Iizuka, and the opening 20b is on this neck, and Iizuka again states the importance of this protruding neck as noted above.

The dependent claims 2-3, 5-8, and 11 are patentable for at least the same reasons as claim 13, from which they ultimately depend, as well as for further patentable features recited therein.

Claim 2 is amended to now recite “a mounting axis of the first mounting portion of

the base and a mounting axis of the second mounting portion of the base are substantially parallel to each other". Support for claim 2 can be found at least in Fig. 11. By contrast, it appears from Fig. 3 in Iizuka that the mounting axis of portion of the base 30 mounted to the vehicle is perpendicular to the mounting axis of the portion of the base 30 mounted to the mount 32 of the bracket 22, the opposite of present claim 2.

Claim 3 is amended to now recite "the unit bracket suspends from the base". Support for claim 3 can be found at least in Fig. 11. By contrast, it appears from Fig. 3 in Iizuka that the mount 32 of the bracket 22 "rides on" the shaft holder 33 of the base 30 and, therefore, in Iizuka the bracket 22 does not "suspend" from the base 30.

With respect to claim 5, Iizuka does not disclose that any of the structure of its device functions as a backlash prevention unit.

With respect to claims 6 and 7, as explained above, Applicant amended claims 6 and 7 to indicate that that the positioning unit (in claim 6) and the first positioning unit and the second positioning unit (in claim 7) prevent relative movement. By contrast, in Iizuka the mount 32 is rotatably mounted to the shaft holder 33 to allow "folding" of the mirror apparatus (column 2, lines 61-65).

Claim 8 recites "flat surfaces on an entire circumference of the second opening, and any one of the second mounting portion of the base and the second mounting portion of the bracket, wherein the flat surfaces touch each other along the entire circumference." Claim 8 is exemplified in Figures 4 and 11. The Office Action alleges that Iizuka has disclosed this feature in the paragraph bridging columns 2-3. Applicant did not find any of the words "flat" and "surface" in that paragraph, therefore, it is not possible to determine with certainty which of the element(s) in that paragraph correspond to the "flat surfaces" of the instant application. By contrast, it appears from Fig. 3 in Iizuka that the shaft holder 33 does not touch the mirror housing 20.

With respect to claim 11, the Office Action alleges that the limitations would have been obvious, but does not provide a reference disclosing such a limitation. Claim 11 is amended to improve its readability. If the rejection of claim 11 is maintained, applicant

respectfully requests that the Examiner provide a specific reference that discloses the features of claim 11.

Support for new claims 15-21 can be found at least in claims 2, 3, 5-8, and 11, respectively. Claims 15-21 are patentable for at least the same reasons as claims 2, 3, 5-8, and 11, respectively.

### **Conclusion**

After amending the claims as set forth above, claims 2-8, 11, and 13-21 are now pending in this application. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741.

Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 30, 2005

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 945-6162

Facsimile: (202) 672-5399

By Thomas G. Bilodeau

Pavan K. Agarwal

Registration No. 40,888

Thomas G. Bilodeau

Registration No. 43,438

Attorneys for Applicant